



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119
ph: (801) 977-4300; Fax: (801) 977-4397
www.ut.blm.gov/saltlake_fo



In Reply Refer To:
3809
(UT-023)
UTU-69227

FEB 10 2005

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Certified Mail # 7003 1010 0005 1875 8684
Return Receipt Requested

DIV. OF OIL, GAS & MINING

DECISION

Mr. Sid Hullinger
McFarland and Hullinger
P.O. Box 238
Tooele, UT 84074

: Notice: UTU-69227
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Notice Expired Reclamation Required

On August 9, 1989, we received your Notice to conduct mining activities on your MH-1 lode mining claim located in T. 9 S., R. 4 W., Section 35. On December 22, 2004, you received a certified letter from this office informing you that your Notice would expire on January 20, 2005 unless we were notified in writing of your desire to extend it for an additional two year period. The Bureau of Land Management (BLM) did not receive written notification that you wished to extend your Notice, casefile serial number UTU-69227, by January 20, 2005. Because you have not met the requirements to extend your Notice under 43 CFR 3809.333, the subject Notice expired on January 20, 2005.

Pursuant to 43 CFR 3809.335, you must immediately cease all operations on the subject lands, with the exception of reclamation. You must complete reclamation of the site promptly, according to your submitted Notice. Please be advised that your reclamation obligation continues beyond the expiration of your notice until such time as BLM determines that the reclamation has been satisfactorily completed.

If you wish to resume operations on the subject mining claim, you may postpone reclamation if you file a Plan of Operations (Plan) pursuant to 43 CFR 3809.401 within 30 days of receipt of this decision. The performance standards outlined in 43 CFR 3809.420 and the financial guarantee requirements provided in 43 CFR 3809.500, et seq., applies to both notices and plans. The Plan must be approved and a financial guarantee accepted prior to any additional earth disturbing activities occurring at this site. If the newly submitted Plan is not approved, or you do not timely post the appropriate financial guarantee as requested for your Plan, you must begin reclamation within 30 days of BLM's decision finding that the new Plan or financial guarantee is incomplete or unacceptable. We have enclosed a copy of BLM's Surface Management Regulations at 43 CFR 3809 for your information.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the Salt Lake Field Office. The request must be in accordance with the provisions provided for in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards

for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision within 21 days of BLM's receipt of the request, you should consider your request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM received your request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA, as outlined below.

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Salt Lake Field Office, at 2370 South 2300 West, Salt Lake City, Utah, 84119, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

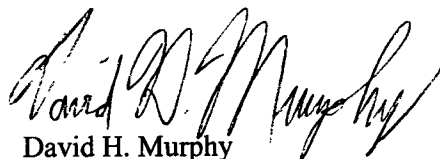
If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Sincerely,



David H. Murphy
Assistant Field Manager
Nonrenewable Resources

Enclosures

cc: Daron Haddock, DOGM (S/045/029)